

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ASTRAZENECA PHARMACEUTICALS LP,  
ASTRAZENECA UK LIMITED,  
IPR PHARMACEUTICALS, INC., and  
SHIONOGI SEIYAKU KABUSHIKI KAISHA,

Plaintiffs,

v.

SANDOZ, INC.

Defendant.

Civil Action No.: 07-807-JJF-LPS

REDACTED VERSION DI 19

**PLAINTIFFS' MOTION TO DISMISS SANDOZ INC.S' COUNTERCLAIM NOS. 4-9**

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AstraZeneca Pharmaceuticals LP, AstraZeneca  
UK Limited, IPR Pharmaceuticals, Inc., and  
Shionogi Seiyaku Kabushiki Kaisha

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Plaintiffs AstraZeneca Pharmaceuticals LP, AstraZeneca UK Limited, IPR Pharmaceuticals, Inc., and Shionogi Seiyaku Kabushiki Kaisha (collectively "Plaintiffs") hereby move to dismiss Sandoz Inc.'s Counterclaim numbers 4 through 9 for lack of subject matter jurisdiction under Federal Rule of Civil Procedure 12(b)(1), as set forth fully in Plaintiffs' Opening Brief submitted concurrently herewith. A proposed form of Order is attached hereto as Exhibit A.

WHEREFORE, Plaintiffs respectfully request that the Court enter an Order granting their Motion To Dismiss.

Respectfully Submitted:

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*Attorneys for Plaintiffs*

**REDACTED VERSION: March 28, 2008**  
Dated: March 21, 2008

# EXHIBIT A

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ASTRAZENECA PHARMACEUTICALS LP,  
ASTRAZENECA UK LIMITED,  
IPR PHARMACEUTICALS, INC., and  
SHIONOGI SEIYAKU KABUSHIKI KAISHA,

Plaintiffs,

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SANDOZ INC.,

Defendant.

Civil Action No.: 07-807-JJF-LPS

**REDACTED VERSION DI 19**

**[PROPOSED] ORDER**

Upon consideration of Plaintiffs' Motion to Dismiss Sandoz Inc.'s Counterclaim Nos. 4-9, it is hereby ORDERED that Plaintiffs' Motion to Dismiss is GRANTED.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
United States District Judge

**CERTIFICATE OF SERVICE**

I hereby certify on this 28<sup>th</sup> day of March, 2008 I electronically filed the foregoing Redacted Version DI 19 PLAINTIFFS' MOTION TO DISMISS SANDOZ INC.S' COUNTERCLAIM NOS. 4-9 with the Clerk of Court using CM/ECF which will send notification of such filing to the following:

**George Seitz, III**  
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The undersigned counsel further certifies that, on March 28, 2008, copies of the foregoing document were also served upon the following individuals in the manner indicated:

**Via Email:**  
**George Seitz, III**  
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# **EXHIBIT 1**

# **FULLY REDACTED**